

# Town of Sheffield

## Planning Board

P.O. Box 325  
Sheffield, MA 01257

Fax (413) 229-7010  
TTY 800-439-2370

### Regular Meeting

Wednesday, October 23, 2013, 7:00 PM

### TOWN HALL – 2nd FLOOR MEETING ROOM

Planning Board Members Present:

Peter Cherneff, Chair  
James T. Collingwood Jr.  
Maria Nation  
David A. Smith, Sr

Alternate Planning Board Member Present: Christopher Tomich

Absent Planning Board Member: Margaret Martin

Members of the Public Present:

John and Theresa Segalla, New Marlborough  
Mike Parsons, 312 Main, Great Barrington  
David Smith Jr., Sheffield  
Beverly Kradel, 66 E. Stahl Rd. Ashley Falls  
Kirt Mayland, 105 Tamara Cir. Avon CT

The Chair called this Regular Meeting of the Planning Board to order at 7 p.m.

### Form A Application, Segalla Sand and Gravel:

The Board noted that this Application was reviewed at its previous Meeting and that all issues and questions were resolved.

*David Smith Sr. made a Motion to approve the Application with the following findings:*

- 1. Both parcels front on a legal way,*
- 2. All parcels are in the Rural Zone and meet the required minimum frontage,*
- 3. There is a practical access to the buildable portion of each parcel,*
- 4 The appropriate endorsements are shown on the map.*

*The Motion was seconded by Maria Nation and approved unanimously.*

### Form A Application, Gibbons:

Mike Parsons of Kelly, Granger, Parsons & Assoc., Inc. presented a Form A application for property owned by Dennis S. Gibbons and Susan L. Gibbons. The property (Southern Berkshire Registry of Deeds, Book 1960, Page 59) is located at Barnum Street and the application proposes to divide one lot into two lots, Lot 1 consisting of 1.634 acres and Lot 2 consisting of 1.679 acres. The property is in the Rural Zoning District.

The Board discussed with Mr. Parsons the current legal status of the property and whether it was one lot. Mr. Parsons said that he believed that it was and that his office had filed a map in the

Southern Berkshire Registry of Deeds pursuant to MGL Ch. 41 Section 81X showing the property in its current configuration.

The Board accepted the application and scheduled further consideration of the matter at the next meeting in order to provide an opportunity to review the status of the property and the other Form A requirements.

**Proposed Solar Facility on East Stahl Road:**

Kirt Mayland addressed the Board regarding plans to build a solar facility on about 7 acres on East Stahl Road. He came to let the Planning Board Members know about the project. The Board suggested that the project, as described, did not appear to require any approval from the Planning Board. Mr. Mayland confirmed that he did not have an application before the Board but stated that he may need a letter from the Planning Board verifying the fact that, under Sheffield Bylaws, he needs no approval from the Planning Board. He agreed to advise the Board if such a letter were required.

**Special Permit Application: Berkshire Mountain Holdings**

J. Collingwood Jr. recused himself in the matter of the Special Permit Application of Berkshire Mountain Holdings because his relative (brother) is involved in the application and the project. J. Collingwood Jr. stepped down and C. Tomich joined the Board as an Alternate Member.

M. Nation indicated that she will sign a Public Disclosure Form acknowledging her friendship with Special Permit Applicant Chris Weld. The Board determined that this was not grounds for recusal.

Chair P. Cherneff explained the issues in the Special Permit Application to C. Tomich. P. Cherneff will call Mr. Weld to discuss the logistics of moving forward with the Special Permit.

M. Nation asked if facts presented by an Applicant need to be verified by the Planning Board.

**Bylaw Review:**

J. Collingwood Jr. resumed his seat on the Board and C. Tomich withdrew from the Meeting. P. Cherneff presented an amended draft bylaw regarding Formula Businesses, modified in accordance with the Board's last discussion and distributed new drafts to the Board Members. He reported that the Board of Selectmen had granted permission to the Planning Board to speak to Attorney Mark Bobrowski as long as the fee did not exceed \$1,000. Mr. Bobrowski reviewed the draft bylaw and made the point that any bylaw has to apply to an entire zone. He explained that the town cannot make separate rules for the business park unless it is designated a separate zone. Another approach would be to apply the new bylaw to the entire General Business District. P. Cherneff drafted the bylaw considering Atty. Bobrowski's comments.

***D. Smith Sr. made a Motion to set a public hearing on December 4, 2013 at 7 pm at Town Hall on this proposed formula business bylaw. M. Nation seconded his motion. The Motion was approved by a vote of 3-1, Board Members P. Cherneff, M. Nation and D. Smith Sr. voting Aye and 1 Board Member: J. Collingwood Jr. voting Nay***

The Board will publish a hearing date in the Berkshire Record for Wednesday, December 4, 2013.

The Board will not meet on November 27, 2013, the day before Thanksgiving.

**Administrative Business:**

The Board received and reviewed various items of mail.

The Board signed authorizations for disbursements and accounts payable.

The Minutes of the previous meeting were not yet available but will be reviewed at a subsequent meeting.

***J. Collingwood made a Motion to adjourn, seconded by P. Cherneff. The Motion was approved unanimously.***

At 8:40 PM the Planning Board adjourned the Regular Meeting.

Respectfully submitted

A handwritten signature in cursive script that reads "Nadia Milleron".

Nadia Milleron  
Secretary to the Planning Board

## **Public Body Checklist for Entering Into Executive Session**

Issued by the Attorney General's Division of Open Government – March 12, 2013

- ☐ Executive session listed as a topic for discussion on meeting notice, including as much detail about the purpose for the executive session as possible without compromising the purpose for which it is called. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b).
- ☐ Public body convened in open session first. G.L. c. 30A, § 21(b)(1).
- ☐ Chair publicly announced the purpose for executive session, citing one or more of the 10 purposes found at G.L. c. 30A, § 21(a).
- ☐ Chair stated all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). For example, the Chair identified the party a public body may be negotiating with or the litigation matter the public body will be discussing.
- ☐ Chair stated whether the public body will adjourn from the executive session, or will reconvene in open session after the executive session. G.L. c. 30A, § 21(b)(4).
- ☐ For Executive Session Purposes 3, 6, and 8:
  - ☐ Chair publicly stated the having the discussion in open session would have a detrimental effect on the public body's negotiating position, bargaining position, litigating position, or ability to obtain qualified applicants. G.L. c. 30A, §§ 21(a)(3), (6), (8).
- ☐ A majority of members of the body voted by roll-call to enter into executive session. G.L. c. 30A, § 21(b)(2).

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**

# Public Body Checklist for Posting a Meeting Notice

Issued by the Attorney General's Division of Open Government – March 12, 2013

## Notice Contents

- ☐ The notice contains the date, time, and location of the meeting. G.L. c. 30A, § 20(b).
- ☐ If the meeting is a joint meeting of several public bodies, the names of all bodies meeting are listed.
- ☐ The notice contains all of the topics that the chair reasonably anticipates will be discussed at the meeting. G.L. c. 30A, § 20(b). The topics are sufficiently specific to reasonably advise the public of the issues to be discussed at the meeting, including executive session topics. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b).
- ☐ The notice is printed in a legible, easily understandable format. G.L. c. 30A, § 20(b).
- ☐ The date and time that the notice is posted is conspicuously recorded on the notice. 940 CMR 29.03(1)(b).

## Notice Publication

- ☐ The notice is published at least 48 hours before the meeting, not including Saturdays, Sundays and legal holidays. G.L. c. 30A, § 20(b).
- ☐ The notice is posted with the proper authority. G.L. c. 30A, § 20(c); 940 CMR 29.03(2)-(6).
  - Local public bodies - Filed with the municipal clerk, who must post it either:
    - In a location conspicuously visible to the public at all hours in or on the municipal building where the clerk's office is located; or
    - If an alternative posting method, such as a website, has been adopted, at the alternative location, with a description of the alternative method posted in a manner conspicuously visible to the public at all hours on or adjacent to the main and handicapped accessible entrances to the building in which the clerk's office is located. Meeting notice must also be available in or around the clerk's office so that members of the public may view the notices during normal business hours.
  - State public bodies – Posted to a website, and a copy sent to the Secretary of State's Regulations Division.
  - Regional public bodies – Posted in every municipality within the region, unless the public body has adopted an alternative notice posting method.
  - County public bodies - Filed with the office of the county commissioners and a copy of the notice is publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose, unless the public body has adopted an alternative notice posting method.

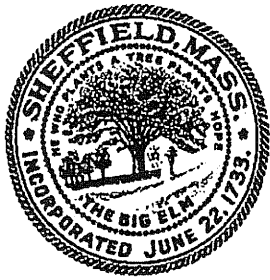
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## **Public Body Checklist for Creating and Approving Meeting Minutes**

Issued by the Attorney General's Division of Open Government – March 12, 2013

- ☐ Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- ☐ Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- ☐ The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- ☐ The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely, and their reason(s) under 940 CMR 29.10(5) for remote participation. 940 CMR 29.10(7)(b).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- ☐ Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- ☐ The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). Generally, this should occur at the next meeting of the public body.

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Plan - Bnd

*Town of Sheffield*  
*Office of the Town Administrator*  
*Town Hall - 21 Depot Square*  
*P.O. Box 325*  
*Sheffield, Massachusetts 01257*


send to all Board  
members + Attach to  
Oct. 23, 2013

Voice: 413-229-7000  
Fax: 413-229-7010  
TTY: 800-439-2370

September 30, 2013

**MEMORANDUM:**

TO: All Board, Committees and Commissions

FROM: Rhonda LaBombard   
Town Administrator

RE: Meeting Minute Information

Attached is information that will assist you in creating meeting minutes, posting meeting notices and entering Executive Session. This information is from the Attorney General's Division on Open Government.

Please contact our office if you need further assistance.



*Town of Sheffield*  
*Office of the Assessors*  
*Town Hall - 21 Depot Square*  
*P.O. Box 325*  
*Sheffield, Massachusetts 01257*

*Planning Board*  
*minutes Attachment*  
*Oct 23 2013*

Voice: 413-229-7000  
Fax: 413-229-7010  
TTY 800-439-2370  
[www.sheffieldma.gov](http://www.sheffieldma.gov)

11 October 2013

Peter Cherneff, Chairman  
Sheffield Planning Board  
21 Depot Square  
Sheffield, MA 01257

RE: Segalla Sand & Gravel Inc., Canaan Road, Ashley Falls  
Map 8 Block 2 Lot 26.0 (fka Map 8 Block 2 lot 0)

Dear Mr. Cherneff,

Please be advised that the above referenced parcel does not have any outstanding taxes due.

Sincerely,

Tammy L. Blackwell, MAA  
Principal Assessor



## Town of Sheffield Planning Board

### Regular Meeting

Date: Wednesday, October 23

Time: 7 PM

Name	Address	Representing
Brendy Khadd	66 Pittsfield Rd Ashley Falls	
Kitt Mayland	105 Tanager Circle Avon, CT 06001 Sheffield	
John Segalla	1717 MR 6B Rd, New Marlborough	S.S.G.
Theresa Segalla		
Mike PARSONS	312 Main St	GB.
CHRISTAMICA	483 UTHERMOUNT AVE RD. SHEFFIELD	